

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

RANDAL ADKINS,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-00346

C.O. JERRY DAVIS, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on October 18, 2019, in which he recommended that the district court deny plaintiff's complaint under 42 U.S.C. § 1983 without prejudice (ECF No. 2), deny defendant's request as moot (ECF Nos. 16 and 17), dismiss this matter without prejudice, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such

party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** plaintiff's complaint under 42 U.S.C. § 1983 (ECF No. 2) without prejudice; **DENIES as moot** defendant's request for dismissal (ECF No. 16 and 17); **DISMISSES** this matter without prejudice; and directs the Clerk to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff pro se and counsel of record.

**IT IS SO ORDERED** this 21st day of March, 2019.

**ENTER:**

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge